



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2015 REGULAR SESSION

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HOUSE BILL NO. 19

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THURSDAY, FEBRUARY 12, 2015

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 30, 2015  
4:00pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

1 AN ACT relating to the disposal of vehicles forfeited to law enforcement agencies.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 218A.420 is amended to read as follows:

4 (1) All property which is subject to forfeiture under this chapter shall be disposed of in  
5 accordance with this section.

6 (2) All controlled substances which are seized and forfeited under this chapter shall be  
7 ordered destroyed by the order of the trial court unless there is a legal use for them,  
8 in which case they may be sold to a proper buyer as determined by the Cabinet for  
9 Health and Family Services by promulgated regulations. Property other than  
10 controlled substances may be destroyed on order of the trial court.

11 (3) When property other than controlled substances is forfeited under this chapter and  
12 not retained for official use, it may be sold for its cash value. Any sale shall be a  
13 public sale advertised pursuant to KRS Chapter 424.

14 (4) Coin, currency, or the proceeds from the sale of property forfeited shall be  
15 distributed as follows:

16 (a) Eighty-five percent (85%) shall be paid to the law enforcement agency or  
17 agencies which seized the property, to be used for direct law enforcement  
18 purposes; and

19 (b) Fifteen percent (15%) shall be paid to the Office of the Attorney General or, in  
20 the alternative, the fifteen percent (15%) shall be paid to the Prosecutors  
21 Advisory Council for deposit on behalf of the Commonwealth's attorney or  
22 county attorney who has participated in the forfeiture proceeding, as  
23 determined by the court pursuant to subsection (9) of this section.  
24 Notwithstanding KRS Chapter 48, these funds shall be exempt from any state  
25 budget reduction acts.

26 The moneys identified in this subsection are intended to supplement any funds  
27 otherwise appropriated to the recipient and shall not supplant other funding of any

1 recipient.

2 (5) The Attorney General, after consultation with the Prosecutors Advisory Council,  
3 shall promulgate administrative regulations to establish the specific purposes for  
4 which these funds shall be expended.

5 (6) Each state and local law enforcement agency that seizes property for the purpose of  
6 forfeiture under KRS 218A.410 shall, prior to receiving any forfeited property,  
7 adopt policies relating to the seizure, maintenance, storage, and care of property  
8 pending forfeiture which are in compliance with or substantially comply with the  
9 model policy for seizure of forfeitable assets by law enforcement agencies published  
10 by the Department of Criminal Justice Training. However, a state or local law  
11 enforcement agency may adopt policies that are more restrictive on the agency than  
12 those contained in the model policy and that fairly and uniformly implement the  
13 provisions of this chapter.

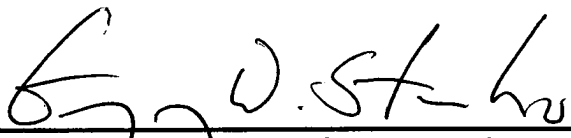
14 (7) Each state or local law enforcement agency that seizes property for the purpose of  
15 forfeiture under KRS 218A.410 shall, prior to receiving forfeited property, have one  
16 (1) or more officers currently employed attend asset-forfeiture training approved by  
17 the Kentucky Law Enforcement Council, which shall approve a curriculum of study  
18 for asset-forfeiture training.

19 (8) (a) Other provisions of this section notwithstanding and subject to the limitations  
20 of paragraph (b) of this subsection, any vehicle seized by a law enforcement  
21 agency which is forfeited pursuant to this chapter may be retained by the  
22 seizing agency for official use or sold within its discretion. Proceeds from the  
23 sale shall remain with the agency. The moneys shall be utilized for purposes  
24 consistent with KRS 218A.405 to 218A.460. The seizing agency shall be  
25 required to pay any bona fide perfected security interest on any vehicle so  
26 forfeited.

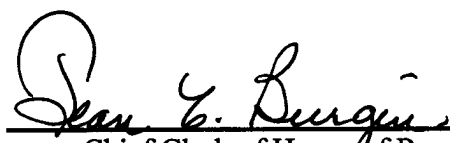
27 (b) Any vehicle seized by a law enforcement agency which is forfeited pursuant

to this chapter and which has been determined by a state or local law enforcement agency to be contaminated with methamphetamine as defined by KRS 218A.1431 shall not be used, resold, or salvaged for parts, but instead shall be destroyed or salvaged only for scrap metal. Any vehicle which is forfeited pursuant to this chapter and has only transported prepackaged materials or products, precursors, or any other materials which have not been subjected to extraction either directly or indirectly from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis extraction, shall not be deemed contaminated with methamphetamine under this section.

- (9) When money or property is seized in a joint operation involving more than one (1) law enforcement agency or prosecutorial office, the apportionment of funds to each pursuant to subsection (4) of this section shall be made among the agencies in a manner to reflect the degree of participation of each agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based. The trial court shall determine the proper division and include the determination in the final order of forfeiture.

  
Speaker House of Representatives

  
President of Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 3/30/15